

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

WILL BRADSHAW,)
Plaintiff,)
V.)
JOSEPH SALVAGGIO; KELLY)
KUENSTLER; CATHERINE)
RODRIGUEZ; DONNA CHARLES;)
MONICA ALCOCER,)
Defendants.)
CIVIL ACTION NO. SA-20-CA-1168-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court are the Report and Recommendation of United States Magistrate Judge (docket no. 27) concerning Plaintiff's Motion for Preliminary Injunction (docket no. 4), along with defendants' written objections (docket no. 28) thereto.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed defendants' submission in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes the objections lack merit.

IT IS THEREFORE ORDERED that Report and Recommendation of United States Magistrate Judge (docket no. 27) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Preliminary Injunction (docket no. 4) is GRANTED and the Court issues the following limited injunction: defendants are ENJOINED and prohibited from removing plaintiff Will Bradshaw from his seat on the City Council of Leon Valley prior to a trial on the merits of this case.

IT IS FURTHER ORDERED that the security requirement of Federal Rule of Civil Procedure 65(c) will be met by plaintiff's deposit of the sum of \$1,000 with the Office of the Clerk.

It is so ORDERED.

SIGNED this 30th day of October, 2020.



FRED BIERY
UNITED STATES DISTRICT JUDGE